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To: U.S. Patent and Trademark Office Fax #: (703) 872-9306 Confirm#:

Client Matter#: 24990-101 (ORA-001.01)

From: Bath E. Arnold Sender's Number: 1294 User #: 3607  
Total Pages Sent (Including Cover Sheet): 4 Office: Boston

**Message**

Re: U.S. Patent Application Serial No. 10/762,201  
Filed: January 20, 2004  
Inventor: Mark B. Abelson et al.  
Title: *Combinational Use of Long-Acting and Short-Acting Anti-Histamines for Ocular Allergies*  
Our Ref.: ORA-001.01 (24990-101)

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Foley Hoag LLP [www.foleyhoag.com](http://www.foleyhoag.com)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark B. Abelson et al.

Art Unit: 1614

Serial No: 10/762,201

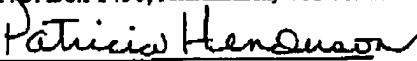
Attorney Docket No. ORA-001.01

Filed: January 20, 2004

Examiner: Fay, Zohreh A.

For: *Combinational Use of Long-Acting and  
Short-Acting Anti-Histamines for Ocular  
Allergies*CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that the correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 23, 2004.



Patricia Henderson

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION-DISCLOSURE STATEMENT  
UNDER CFR 1.97(b)(3)

Examiner Fay:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R. § 1.56 and 1.97 (b)(3). A copy of each listed reference is enclosed. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

Applicants have listed dates of publication on the attached PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

FHBOSTON/1147948.1

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.


Applicants have provided the fee required with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448, Reference ORA-001.01.**

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1294.

Respectfully submitted,

FOLEY HOAG

Dated: December 23, 2004  
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